

**RULES and REGULATIONS
GOVERNING THE CONDITIONS
OF PROBATION, PAROLE,
AND CONDITIONAL RELEASE**

Department of Corrections
Board of Probation and Parole
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This booklet has been revised and amended as a result of changes in the conditions of supervision by the Board of Probation and Parole. The previous version of this booklet, printed with a white cover and issued in November 2004 is obsolete.

PREFACE

TO: THE OFFENDERS OF THE MISSOURI DEPARTMENT OF CORRECTIONS RELEASED ON PAROLE OR CONDITIONAL RELEASE AND ANY OTHER PERSONS PLACED UNDER THE SUPERVISION OF THE BOARD OF PROBATION AND PAROLE.

This booklet is provided to help you understand the conditions of your supervision as issued by the Missouri Board of Probation and Parole or the sentencing court or conditions which must be followed pursuant to the Interstate Compact Agreement. The specific conditions of your supervision may be amended or deleted or additional conditions added at the discretion of the Parole Board or your sentencing court. We have defined the conditions and the reasons that these conditions are imposed.

BY WHAT AUTHORITY DOES THE BOARD OR THE COURT DETERMINE CONDITIONS OF PAROLE AND PROBATION OR CONDITIONAL RELEASE?

The Board has the authority to determine conditions of parole under Sections 217.690 (3) RSMo: "The Board shall adopt rules not inconsistent with law, in accordance with Section 217.040, with respect to the eligibility of inmates for parole, the conduct of parole hearings or conditions to be imposed upon parole offenders. Whenever an order for parole is issued it shall recite the conditions of such parole."

"Conditional release" means the conditional discharge of an offender by the Board of Probation and Parole subject to conditions of release that the Board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state Board of Probation and Parole. The Board of Probation and Parole is entrusted with this authority under Section 558.011 RSMo.

Both the Board and Court have the authority to determine conditions of probation.

Section 559.021 (1) RSMo. reads: "The conditions of probation shall be such as the Court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released."

THE FOLLOWING ARE THE CONDITIONS OF PROBATION, PAROLE OR CONDITIONAL RELEASE:

1. LAWS: I will obey all federal and state laws, municipal and county ordinances. I will report all arrests to my probation and parole officer within 48 hours.

Everyone is expected to obey all laws. If you are arrested at any time for any reason, you must report this arrest to your probation and parole officer within 48 hours.

2. TRAVEL: I will obtain advance permission from my probation and parole officer before leaving the state or the area in which I am living.

Your probation and parole officer must always know where you are. It will be your probation and parole officer who will determine the area in which you will be allowed to travel. There may be times when you will be living in one community and working in another. When this does occur, the probation and parole officer usually limits your area of travel to these two communities. There may be other exceptions from time to time which should be discussed with your Officer. When the request is reasonable, the Officer **may** allow you to travel based on a written travel permit for each occasion or without getting his/her permission each time.

Counties or areas in which you are allowed to travel without prior permission should be addressed with your officer.

If you travel outside the State of Missouri, there are certain regulations and requirements that you must follow. All travel outside the State of Missouri must be approved by your probation and parole officer. If approved, a written travel permit must be issued to you by your probation and parole officer. Since there is a certain amount of paperwork involved in preparing these travel permits, you are required to discuss your travels with your probation and parole officer **at least 15 days** in advance to allow time for the proper paperwork to be prepared. Sex Offenders and Dangerous Felons are required to request permission to travel at least 30 days prior to travel. Travel permits for travel outside the State of Missouri may be issued on short notice only in case of emergency, such as serious illness or death in the family.

Canada does not allow offenders to enter and travel in their country. Offenders must get permission to travel outside of the continental United States from the Parole Board and/or the Court if you are on probation.

3. RESIDENCY: I will obtain advance permission from my probation and parole officer before making any change in residency.

Residency is defined as the location where you sleep every night and spend most of your time. It is not just a mailing address, somewhere you keep some property or where you get messages.

Since your probation and parole officer is at all times responsible for knowing your place of residence, it is required that you obtain advance permission before making any change in residency. Your probation and parole officer has the authority to approve or disapprove your home plan. In the event of an emergency and you lose your place of residence, you must notify your probation and parole officer within 48 hours. Your probation and parole officer will be making periodic home visits. This condition is an effort to keep you and your probation and parole officer in close contact with each other.

Per 566.147 RSMo, any person who has pleaded guilty or nolo contendere to, been convicted of or been found guilty of violating any provision of Chapter 566, or Invasion of Privacy, Incest, Endangering the Welfare of a Child in the First Degree, Use of a Child in a Sexual Performance,

Promoting a Sexual Performance by a Child, Sexual Exploitation of a Minor, Promoting Child Pornography in the First Degree, Promoting Child Pornography in the Second Degree, Possession of Child Pornography or Furnishing Pornographic Materials to Minors shall not establish residency within one thousand feet of any public school or any private school giving instruction in a grade or grades not higher than the twelfth grade or child care facility, as defined 210.201, RSMo, which is in existence at the time such residency is established.

4. EMPLOYMENT: I will maintain employment unless engaged in a specific program approved by my probation and parole officer. I will obtain advance permission from my probation and parole officer before quitting my job or program. In the event I lose my job or am terminated from a program, I will notify my probation and parole officer within 48 hours.

Changing or quitting a job is always a major decision in anyone's life. It is a decision that you need to discuss with your probation and parole officer before finally deciding what to do. Your probation and parole officer can point out the advantages and disadvantages of making the job change. There are many times when a decision of this kind is made on the spur of the moment and without too much thought. One of the main purposes of this rule, therefore, is to help you avoid making a decision which you may well regret later by not being able to find another job quickly.

You are expected to support yourself and your family and pay your debts. It is a normal expectation that these obligations are met. This is no different for a person under supervision than it is for any other citizen. We have found over the years that involvement in criminal behavior and unemployment are closely related. During your supervision period, you will be expected to maintain employment. The only exception to this obligation will be your involvement in a specific program approved by the Board, Sentencing Court or your probation and parole officer that is related to your self-improvement.

Prior to quitting or changing a job or program you must have advance permission from your probation and parole officer. In the event that you would be fired from a job or terminated from a program, you have the obligation to notify your probation and parole officer within 48 hours. Additionally, any change in your job or program status should be reported to your probation and parole officer. That includes job layoffs or a program being placed on hold or other reason where attendance at the job or program is suspended for any period of time.

5. ASSOCIATION: I will obtain advance permission from my probation and parole officer before I associate with any person convicted of a felony or misdemeanor, or with anyone currently under the supervision of the Division of Probation and Parole. It is my responsibility to know with whom I am associating.

As you review your past life and think about how you got involved in difficulty with the law, many times you will have to admit that your association with some other person who previously had legal difficulty, played a role in your situation. This condition is to help you avoid this mistake in the future. It will be your responsibility to know with whom you associate. We would caution you to select your friends and associates wisely.

Naturally, there will be times when your work and places of residency will place you in contact with persons who have been convicted of felonies and misdemeanors or with persons who are currently under the supervision of the Board of Probation and Parole. The mere fact that you live in the same dwelling or work in the same place of employment does not mean that you have to associate after working hours or outside the place of residence. If, because of place of residency or employment, you find yourself in association with someone as defined above, discuss the situation with your probation and parole officer. You need advance permission from your probation and parole officer before associating with these individuals.

Additionally, if you have family members who have been convicted of a felony or a misdemeanor, or are currently under the supervision of the Board of Probation and Parole, you need advance permission from your probation and parole officer before associating with these individuals.

Lastly, you may encounter other offenders when participating in a treatment program. Any association outside the treatment program must be specifically approved by your probation and parole officer. This includes transportation to and from programs.

6. DRUGS: I will not have in my possession or use any controlled substance except as prescribed for me by a licensed medical practitioner.

Use of any controlled substance, unless prescribed by a physician, is illegal. Therefore, the use or possession of such drugs is not only a violation of your probation and parole conditions but is also a violation of the law. Your probation and parole officer reserves the right to contact your physician regarding your use of prescribed drugs.

As a part of your supervision, you will be expected to undergo urinalysis or other types of drug testing on a random basis. If drugs are detected, this will also constitute a violation of your supervision.

Failure to produce a urine specimen within the required time period will result in a violation of your supervision for failure to follow a directive of your probation and parole officer. Attempting or actual adulteration, substitution, or dilution of a urine specimen will also constitute a violation of your supervision for failure to follow a directive of your probation and parole officer.

7. WEAPONS: I will not own, possess, purchase, receive, sell, or transport any firearms, ammunition or explosive device, or any dangerous weapon if I am on probation or parole for a felony charge or a misdemeanor involving firearms or explosives, or it is in violation of federal, state or municipal laws or ordinances.

Weapons, as defined by 571.010 RSMo. include firearms, gas guns, spring guns, explosive weapons, knives (other than ordinary pocket knives with less than 4 inch length blades), switchblade knives, projectile weapons, blackjacks and brass knuckles.

Federal law makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms. These categories include any person who:

1. is under indictment for a crime punishable by imprisonment for a term exceeding one year;
2. is convicted of a crime punishable by imprisonment for a term exceeding one year;
3. is a fugitive from justice;
4. is an unlawful user of or addicted to any controlled substance;
5. is an illegal alien;
6. has been discharged from the military under dishonorable conditions;
7. has renounced his or her United States citizenship;
8. is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
9. has been convicted of a misdemeanor crime of domestic violence.

If you are a misdemeanor offender and are excluded from this condition, the Court may invoke this condition as a special condition of your probation or parole if it is felt that it is pertinent to

your success under supervision. This condition does apply to any individual who has been convicted of a misdemeanor that relates to or involves firearms or explosives and to all individuals who are on probation or parole as a result of a felony.

When your period of supervision is completed, the restrictions regarding firearms may continue. At the time of your discharge from probation or parole, you should contact the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, concerning the restrictions placed upon you regarding your possession and use of firearms and how to obtain relief.

8. REPORTING/DIRECTIVES: I will report as directed to my probation and parole officer. I will abide by any directives given me by my probation and parole officer.

Your probation and parole officer may have you report in a number of different ways and/or to various locations. You may be instructed to come to the Probation and Parole Office or another site such as a courthouse or another office building. You also may be asked to send in a monthly supervision report form or call at a designated time. As part of your reporting, the Officer may require that you submit documents such as check stubs, receipts for restitution or court costs and income tax forms. All of these documents may be helpful to your Officer in planning with you towards a successful supervision period. If you try to contact your probation and parole officer by telephone and he/she is not in at the time you call, you must identify yourself to someone in the office or leave a voice message as to why you are calling. The probation and parole officer can then get in touch with you as soon as he/she is able to do so. Telephone contact or a voice message is not considered an office visit. It is your responsibility to maintain contact with your probation and parole officer.

Your Officer may give you special directives that will relate to you as an individual. These are in addition to your conditions of probation, parole or conditional release and are important to help you successfully complete your period of supervision. Failure to follow directives is a violation of your supervision.

9. SUPERVISION STRATEGY: I will enter and successfully complete any supervision strategy and abide by all rules and program requirements, as directed by the Court, Board or my supervising probation and parole officer.

The Department of Corrections has developed a continuum of supervision strategies. These strategies include but are not limited to intensive, enhanced, regular or minimum supervision, electronic monitoring, day reporting, residential facilities, community release centers, community supervision centers and institutional treatment centers. Your needs and risk to the community will be assessed regularly during your supervision period to determine the program or level of supervision that is best for you. Each strategy has its own rules and program requirements. You are responsible for completing any supervision strategy to which you may be assigned and for abiding by all rules and program requirements pertaining to that supervision strategy.

10. INTERVENTION FEES: I shall pay a montly intervention fee in an amount set by the Missouri Department of Corrections pursuant RSMo 217.690. This payment shall be due and payable on the first day of the first month following placement on probation, parole, or conditional release.

On August 28, 2005 House Bill 700 was passed granting the Board of Probation and Parole authority to collect an intervention fee from offenders. The fees will be used to support services for offenders under the Agency's jurisdiction, as well as address the public expectation that offenders help offset the costs of intervention services to the State.

Failure to pay intervention fees may result in sanctions including, but not limited to written reprimand, travel restrictions, Court hearing or review, community service, increased level of supervision or shock detention.

For information regarding the payment method, contact your Probation or Parole Officer.

11. SPECIAL CONDITIONS: Both the Board of Probation and Parole and the Court that has placed you on probation have the authority to determine special conditions of your probation or parole supervision period as stated in the preface of this booklet. Depending on the circumstances of the situation, special conditions may include such things as prohibiting you from consuming alcoholic beverages, requiring you to complete a treatment program, or requiring you to be involved in an educational-vocational training program. Special conditions may also set out certain restrictions. They are frequently used for setting court costs, fines and restitution. The Court may require as a condition of probation that you submit to a period of detention in an appropriate institution at whatever time or intervals within the period of probation. This detention may be at one time or at different periods during your probation.

These are examples of special conditions that may be imposed and they certainly are not limited to the above list. Remember that they are as important as any of the preceding conditions and failure to abide by any special conditions stated on your order will be considered a violation of your probation, parole or conditional release.

As statutes change, you are expected to comply with their requirements.

STATE STATUTES THAT MAY AFFECT YOUR SUPERVISION:

TAMPERING WITH A JUDICIAL OFFICER

According to 565.084 RSMo:

1. A person commits the crime of Tampering with a Judicial Officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, he:

- 1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- 2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- 3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- 4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family including stalking pursuant to section 565.225 RSMo.

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile court commissioner, state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:

- 1) His spouse; or
- 2) His or his spouse's ancestor or descendant by blood or adoption; or
- 3) His stepchild, while the marriage creating that relationship exists.

4. Tampering with a Judicial Officer is a class C felony.

ASSAULT ON A LAW ENFORCEMENT OFFICER

According to 565.081 RSMo:

A person commits the crime of assault of a probation and parole officer in the first degree, a Class A Felony, if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a probation and parole officer.

According to 565.082 RSMo:

A person commits the crime of assault of a probation and parole officer in the second degree, a Class B Felony or a Class C Felony, if such person:

Knowingly causes or attempts to cause physical injury to a probation and parole officer by means of a deadly weapon or dangerous instrument; by means other than a deadly weapon or dangerous instrument; recklessly causes serious physical injury; while in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury; acts with criminal negligence to cause physical injury by means of a deadly weapon or dangerous instrument; purposely or recklessly places a probation and parole officer in apprehension of immediate serious physical injury; acts with criminal negligence to create a substantial risk of death or serious physical injury.

According to 565.083 RSMo:

A person commits the crime of assault on a probation and parole officer in the third degree, a Class A Misdemeanor, if such person recklessly causes physical injury; purposely places a probation and parole officer in apprehension of immediate physical injury; knowingly causes or attempts to cause physical contact without consent.

TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT

According to 575.205 RSMo:

A person commits the crime of tampering with electronic monitoring equipment if the person intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court or the board of probation and parole has required such person to wear. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment. The crime of tampering with electronic monitoring equipment is a class C felony.

FELONY REGISTRATION

According to 217.695 RSMo. each offender to be released from custody of the Department of Corrections who will be under the supervision of the Board of Probation and Parole, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to hair samples or other identification. All data and identification information shall be compiled in duplicate with one set to be retained by the Department, and one set for the chief law enforcement official of the county of intended residence.

Any offender subject to the provisions of this section who changes his county of residence shall, in addition to notifying the Board of Probation and Parole, notify and register with the chief law enforcement official of the new county of residence within seven days after he changes his residence to that new county.

Failure by an offender to register with the new chief law enforcement official upon a change in the county of his residence shall be cause for revocation of the parole of the person except for good cause shown.

OFFENDER REGISTRATION

In addition, per RSMo. 589.400, certain offenders are also required to register with the chief local law enforcement official of the county of residence. The specific requirements regarding registration are outlined in a separate booklet, Rules and Regulations Governing the Conditions of Probation, Parole, and Conditional Release for Sex Offenders.

DNA TESTING

Per 650.055 RSMo, every individual who pleads guilty to or is found guilty of a felony, or a sex offense under chapter 566 RSMo, shall have a scientifically accepted biological sample collected for purposes of DNA profiling analysis:

1. Upon entering the Department of Corrections' reception and diagnostic centers; or
2. Before release from a county jail or detention facility; or
3. If such individual is under the jurisdiction of the Department of Corrections. Such jurisdiction includes persons currently incarcerated and persons on probation and/or parole.

Any person required to provide a DNA sample shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri State Highway Patrol and the Department of Corrections.

OFFENDER VOTING RIGHTS AND COLLATERAL CONSEQUENCES OF CONVICTION

The following is a summary of state statutes regarding offender voting rights and further explains the loss and restoration of voting rights as well as certain consequences associated with receiving a felony conviction.

According to RSMo.115.113, no person shall be entitled to vote:

1. While confined under a sentence of imprisonment;
2. While on probation or parole after conviction of a felony, until finally discharged from such probation or parole;
3. After conviction of a felony or misdemeanor connected with the right of suffrage.

Probation cases where imposition of sentence is suspended are not considered convictions and, therefore, are not subject to the above mentioned disqualification. Offenders who are only on probation for misdemeanors, that are not connected with the exercise of the right of suffrage, are allowed to vote.

According to 561.026 RSMo, a person who is convicted:

1. Of any crime shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment;

2. Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting;
3. Of any felony shall be forever disqualified from serving as a juror.

WHAT DO I DO IF MY LOCAL PROBATION AND PAROLE OFFICE IS DESTROYED BY NATURAL DISASTER OR SOME OTHER CALAMITY?

In the event that your local Probation and Parole Office is destroyed or damaged to the point it is no longer operational, you will need to contact the Command Center in Jefferson City, Missouri at 1-888-869-3195 for reporting instructions. You must do this within 48 hours. The Command Center staff will be able to assist you in maintaining your good standing with Probation and Parole. It is very important that you make every effort to re-establish contact with your officer or some other designated staff member.

CONCLUSION

Your conditions of supervision are the set of rules which you and your probation and parole officer will use in working together to help you successfully complete your period of supervision. If you will form a close relationship with your probation and parole officer and can talk freely with him/her, then there can be a mutual feeling of trust and you should be able to follow these rules without much difficulty. You, your family and/or your employer need to discuss any problems that you might have that can affect your supervision or acceptance by the local community.

Minor problems that are not discussed with your probation and parole officer almost always become serious problems. By then, it may be too late to do anything about these serious problems. It is the person who does not confide in his/her Officer and is not willing to discuss the problems that he/she is facing who usually ends up violating the conditions of supervision and being referred to the Court or the Parole Board for further action.

Remember, your probation and parole officer desires that you successfully complete your supervision. It is the officer's job to try to help you do so.